



Docket No. 42202

PATENT

1638.
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EX(1)
786012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : POGUE et al
Serial Number 09/978,199
Filed: October 17, 2001
Examiner: Georgia L. HELMER
Group Art Unit: 1638

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MAY 15 2003

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Title: PRODUCTION OF BOVINE LYSOZYME BY PLANT VIRAL VECTORS

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

May 8, 2003

Sir:

In response to the Office Action mailed March 19, 2003, wherein the Examiner set a two-month period for response, the following election is timely filed.

Applicants elect Group II, claims 5-10 with traverse.

REMARKS

Claims 1-32 remain pending in the application. The restriction requirement is traversed. Reconsideration of the restriction requirement is respectfully requested.

The Office Action asserts that Groups II and III are related as product and process of use, which is roughly accurate. The examiner states that the product can be used for other purposes such as producing viral proteins.

If one considers "viral proteins" as the only protein specifically described in the claim, then one is producing bovine lysozyme, the same protein produced by the method

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